

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

STACY L. RANDALL,

Plaintiff,

v.

Case No. 3:22-cv-00400-jdp

REED C. WIDEN, MICHAEL
KIESLER, WIDEN ENTERPRISES,
LLC, and WINDY WATERS, INC.,

Defendants.

**DEFENDANTS' SUPPLEMENTAL SUBMISSION IN OPPOSITION TO
PLAINTIFF'S MOTION TO COMPEL DISCOVERY**

On June 16, 2023, the plaintiff, Stacy L. Randall, filed a Motion to Compel. ECF No. 28. Subsequent developments in this case further support denial of the motion.

Randall's own testimony during her deposition shows the documents she seeks are irrelevant. In the motion to compel, Randall seeks the production of documents in response to Plaintiff's Request for Production ("RFP") No. 12. Specifically, RFP No. 12 seeks the production of "[m]onthly statements for each financial account maintained by or on behalf of Millmont, LLC since January 1, 2010." ECF No. 29-2 at 10. Randall's lawyers argued that "information as to Millmont's finances is unquestionably relevant to this litigation." ECF No. 28 at 8.

On June 23, 2023, Defendants filed their opposition to Randall's motion to compel. ECF No. 30. Therein, Defendants argue that because Millmont, LLC ("Millmont") is a non-party with no claim asserted against it, "RFP No. 12 does not seek documents relevant to any claim or defense in this litigation," and therefore requests documents that are not within the scope of discovery under Rule 26(b)(1) of the Federal Rules of Civil Procedure. *Id.* at 9-12.

Randall was deposed on August 28, 2023. During her deposition, Randall unequivocally and unambiguously stated, “Milmont [sic] had nothing to do with this suit.” Decl. of Christa D. Wittenberg, filed herewith, at ¶ 2, Ex. 1 at 249:4-5. Accordingly, by the plaintiff’s own admission, information related to Millmont is irrelevant to the claims and defenses in this case.

For this additional reason, Plaintiff’s Motion to Compel Discovery (ECF No. 28) should be denied.

Dated: September 20, 2023

Respectfully submitted,

s/Christa D. Wittenberg

Dean P. Laing
Christa D. Wittenberg
O’Neil, Cannon, Hollman, DeJong & Laing S.C.
111 East Wisconsin Avenue, Suite 1400
Milwaukee, Wisconsin 53202
Phone: 414.276.5000
dean.laing@wilaw.com
christa.wittenberg@wilaw.com

Mark H. Churchill
Martin Durkin
Sarah Morain
HOLLAND & KNIGHT LLP
1650 Tysons Boulevards, Suite 1700
Tysons, Virginia 22102
Phone: 703.720.8600
mark.churchill@hklaw.com
martin.durkin@hklaw.com
sarah.morain@hklaw.com

Attorneys for Defendants